

FILED

OCT 19 2005

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OBINECHE OKORONKWO,

Defendant - Appellant.

No. 03-50066

D.C. No. CR-02-01167-GHK

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
George H. King, District Judge, Presiding

Submitted October 11, 2005^{**}

Before: T.G. NELSON, WARDLAW, and TALLMAN, Circuit Judges.

Obineche Okoronkwo appeals from his guilty-plea conviction and the 12-month sentence imposed for fraudulent transactions with access devices and willfully causing an act, in violation of 18 U.S.C. §§ 1029(a)(2), 2(b).

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Okoronkwo has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Okoronkwo has not filed a pro se supplemental brief.

We have conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988). We affirm the conviction. We remand the sentence for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

Counsel's motion to withdraw as counsel on appeal is denied.

Appellant's pro se motion to withdraw counsel's brief and his pro se motion to postpone prosecution of the appeal are denied.

The conviction is **AFFIRMED**, and the sentence is **REMANDED**.